

WAITAKERE CITY COUNCIL



**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 15 APRIL 2004, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Thursday, 27 November 2003

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Hearings Committee held on Thursday, 27 November 2003, as circulated, be taken as read and now be confirmed.



4 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY INTERNATIONAL BUDDHIST MEDITATION TEMPLE OF NEW ZEALAND INC TO RETROSPECTIVELY SEEK RESOURCE CONSENT FOR A NON-RESIDENTIAL ACTIVITY IN THE WAITAKERE RANGES ENVIRONMENT AT 631 HUIA ROAD, PARAU**

WAITAKERE WARD

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

APPLICATION DETAILS

Planner:	Hamish Anderson
Site Address:	631 Huia Road, Parau
Applicant:	International Buddhist Temple of New Zealand Inc
Date Received:	9 September 2003
Resource Consent No:	RMA 20031777
Building Consent No:	None applied for
Legal Description:	Lot 4 DP 61694
Address for Service:	Melanie Jesson: Cato Bolam Consultants PO Box 21355 Henderson
Site Area:	5.5 hectares
Unit Site Area(s):	N/A
District Plan:	
Human Environment:	Waitakere Ranges
Natural Area:	Coastal
Landscape Elements:	Sensitive Ridge and 20m Riparian Margin
Hazards:	None on record
Roading Hierarchy:	District Arterial Road
Further Information Required:	Yes: Sign location and traffic information
Date Requested:	13 October 2003
Date Received:	20 January 2004

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicants retrospectively seek resource consent for a non-residential activity in the Waitakere Ranges Environment that also has a parking infringement. In addition, the proposed amenity block would add to a building coverage infringement and the proposed parking would lead to an earthwork infringement.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the temple. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN



Fig 1. Site plan with temple at bottom



Fig 2: Location of access to site

*note photos are not identical in scale

Legal Description:
Human Environment:
Natural Area:
Landscape Elements:

Lot 4 DP 61694
Waitakere Ranges
Coastal
Sensitive Ridge and 20 metre Riparian Margin

3.0 PROPOSAL

The temple building on the site was originally erected as an ancillary building (ABA 99004390). Following the International Buddhist Meditation Temple of New Zealand (IBMT) becoming incorporated in October 2000 the applicants state that the building was converted to its present form. The building and site have been used for a variety of religious activities since the inception of the IBMT.

This proposal involves the construction of a small amenities block (measuring 25m² in area) as required under the Building Code, no clearing of vegetation, earthworks associated only with the extension of an existing car park, and no substantial change to activities which have been conducted on the site (albeit without authorisation) for the past two years.

From the submitted application the details of the proposal are described as follows:

Religious Services

- Sundays - Buddhist Religious Services 11.00 am and 7.00 pm, Buddhist Bible class 2.00 pm - within the existing temple building (ceremony, worship, preaching, prayer, meditation) - between 20 and 100 (maximum) persons.
- Other days 6.00 am - 7.00 am and 6.00 pm - 7.00 pm morning and evening prayers within the existing temple building - not exceeding 15 persons.

Wedding Ceremonies

- Not exceeding an average of 1 per month - up to 80 persons. Weddings are to be held Monday to Friday inclusive, except two weddings per calendar year which may be held on weekends.

Funeral Ceremonies

- Not exceeding an average of 1 per month - up to 20 persons.

Birth Ceremonies

- Not exceeding an average of 1 per month - up to 20 persons.

Other informal activities

- Such as meditation, small worship, small Bible class, counselling, small weddings - up to 10 persons; within either the temple, pergola or small worship room within the existing dwelling.

Car parking will be on an existing gravelled area that will be extended to provide for a total of 23 sealed spaces, with overflow parking available on the adjacent grassed areas. Stormwater runoff from the existing driveway will also be upgraded through the use of swales and other passive techniques.

At the applicant's expense, the existing metalled right of way giving access to No.s 625 - 635 Huia Road (306 metres in length) will be formed to a 3.5 metre wide plus passing bays concreted standard or equivalent plus provision for stormwater disposal/ control to meet relevant Waitakere City Council standards. A judder bar or speed hump will be installed near the driveway entrance of 635b Huia Road in order to limit vehicle speeds to 20 kph.

Two signs, not exceeding 0.24m² in area are proposed. The signs would contain wording only (ie. no graphics), that wording to be in Korean and English and thus to identify the site to Korean visitors. One would be situated where it is visible from the road, but not within the R.O.W, and the other is proposed to be placed within the private driveway entrance to the site to ensure that visitors do not miss the site entry.

A1-A130

The applicant sought the written approval of the owners and occupiers of the properties located either side (623 and 637 Huia Road) of the entrance off Huia Road as well as all the properties along that access (625, 627, 629, 633, 635, 635a and 635b Huia Road) prior to lodging the application. The written approvals of the owners and occupiers of the Application properties at 623, 633, 635, 635a, 635b, 637 Huia Road, and the details of that consultation are attached at pages A1 to A130.

4.0 REASONS FOR THE APPLICATION

4.1 Consent is required under the following provisions of the District Plan for the following reasons:

- The applicants propose 15m³ of earthworks to increase the parking provision on the site. Earthworks not under an approved building platform, for a driveway or infrastructure are considered a discretionary activity under Rule 3.3 (Coastal Natural Area).
- There was a previous building consent (ABA 99004390) to erect a utility shed on the site and under that consent a woodshed and carport were to be removed for the site's building coverage to comply. As things transpired that removal did not occur and the applicants now wish both to remain. In addition, the applicants wish to erect a amenity block (measuring 25m² in area). The buildings on this site have total building coverage of 342m² therefore exceeding the 300m² maximum permitted on the site and the development is considered a limited discretionary activity under Rule 6.2 (Waitakere Ranges Environment).
- The building used as the temple was originally erected as a utility shed (ABA 99004390) but as more than 5 people would be using the facility it exceeds the five person threshold for a permitted home occupation. Furthermore, as the utility shed is not considered a dwelling the operation is considered a non-complying activity under Rule 7.4 (Waitakere Ranges Environment).
- The applicant's traffic assessment (dated January 2004) suggested that the maximum number of vehicles on the site on the busiest of days would be 35 which equates to 70 vehicles movements which would exceed 1% of the Huia Roads daily traffic volume and the activity is considered a discretionary activity under Rule 8.4 (Waitakere Ranges Environment).
- Under Council's Parking and Driveway Guidelines a church requires 1 park per 5 persons therefore 20 car parks are required on this site. The existing parking area provides for 10 cars therefore a shortfall by 10 of that required and it is considered a limited discretionary activity under Rule 9.3 (Waitakere Ranges Environment).
- The applicants propose two signs measuring 0.24m² in sign area. Signs associated with a non residential activity are considered a limited discretionary activity under Rule 12.2 (Waitakere Ranges Environment).

Overall the application is considered to be a non complying activity. The proposal complies with all other development control rules under the District Plan.

4.2 No other consents are required in respect of this application.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

This site is an irregular shaped, rear section which measures 5.5 hectares in area. The site slopes from southwest to northeast and the vast majority is covered with native vegetation. The cleared area is the southwest corner of the site and that is where the dwelling, sheds and temple are located. The temple is located approximately 120m from the dwelling and sheds.

The site is accessed via a shared right of way of approximately 400m in length from Huia Road. The right of way serves a total of 7 sites and the sole access to this site is approximately 350m in length.

The sites in the immediately surrounding area are a similar size (with the exception of those at the start of the right of way which are considerably smaller) and are also predominantly covered in native vegetation.

No other non residential activities are locate on nearby sites and instead all are used for residential purposes.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A131-A142

Notice of this application was served on all identified affected persons on 13 February 2004. The period for submissions closed on 16 March 2004. Four (4) submissions were received. Two (2) submissions supported the application, and two (2) submissions opposed the application. Please refer to pages as attached at A131 to A141 for copies of the submissions that were received. A map showing the location of the submitters is attached at page A142.

6.1 Submissions

	Submitter	Address	Support / Oppose	Reasons
1	RP and EG Jackson-Hope	635 Huia Road	Support	Driveway will be repaired/upgraded and will reduce dust, rain scouring and entrance improved.
2	Jennifer Roberts	637 Huia Road	Support	None given.
3	Trish Koloszar and Peter Brehmer	625 Huia Road	Oppose	<p>Want residential environment preserved, bush/rural character recognised and preserved, all owners of driveway must be in agreement on any change to shared driveway.</p> <p>Current and proposed activities infringe regulations applying to this site.</p> <p>Strongly disagree effects will be minor.</p> <p>Object to: concreting shared driveway; speed bumps; increase in traffic flow; number of services and ceremonies a year; average number of persons attending services and ceremonies; public access of private road.</p>

	Submitter	Address	Support / Oppose	Reasons
4	M and L Atkins	635a Huia Road	Oppose	<p>Facility has been allowed to operate without consent.</p> <p>Accessory building not built as temple.</p> <p>Current speed limits are ignored and danger to children.</p> <p>Concrete drive would only allow greater usage, speeds and dangers.</p> <p>Existing driveway is degenerating through non permitted activities.</p> <p>Wish current activities to cease until consent decision has been reached.</p>

6.2 Pre Hearing Meeting

At the time of writing this report the option of a pre hearing meeting was not possible as the Applicant's Planner was on annual leave until the report is due to be finished. A meeting could be held in the interim between the reports circulation and the hearing and if so the minutes could be taken and distributed at the hearing.

7.0 STATUTORY REQUIREMENTS

7.1 Non-Complying Activities

A161-A166

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A161 to A166. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect.

The matters to be considered when assessing an application for resource consent are set out in Section 104 of the Resource Management Act 1991. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal is unusual because this site is large, well vegetated, and isolated from adjacent properties to such an extent that with exception of the traffic movements the activity is not visible off site.

The proposed activity is also considered to be unusual because it is associated with Buddhism. Buddhism places a premium on natural and beautiful settings as integral to the development of an inner beauty upon which the entire Buddhist doctrine is built. Observances associated with this faith are centred around prayer, meditation and do not generate significant noise levels.¹

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because of the unique situation alluded to above. This activity, albeit not lawfully established, has been operating for approximately three years and the complaints regarding it are associated with the traffic movement to and from the site rather than from and adverse effect of use of the temple facility such as visual dominance or noise.

The District Plan has been prepared with an "effects based" emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

7.2 LIMITED NOTIFICATION - SECTION 94(1)

Section 94(1) provides for "limited notification" if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under Section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on the 29 January 2004. This report is attached in Appendix 11 of this report and identified that nine (9) persons would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval. As required by Section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

¹ *To live in harmony with the nature is a crucial Buddhist practice. If we look at the story of the Buddha's life, the most significant events occur in the countryside and are associated with trees: his birth at Lumbini as his mother grasped the branch of a sal tree, his early experience of states of meditative absorption beneath the rose apple tree, his Enlightenment beneath the Bodhi-tree, and his Parinirvana (death) between twin sal trees. Throughout the Dharma (the Buddha's teachings), the Buddha's teaching of pratitya samutpada (conditioned co-production), our environment reflects our inner world. The principle works as, surround yourself with beauty and beauty will come to your inner world, have beauty in your inner world and you will be drawn to surrounding yourself with beauty in your outer world.* Friends of the Western Buddhist Order Readings - established in 1967 to bring Buddhism to the Western World

8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (Section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (Section 104(2)).

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment

8.1.1 Earthworks, Water Quality and Quantity and Eco System Stability

The applicant proposes approximately 15m³ of cut to increase the size of the parking area (Figure 3). The area of work would be immediately to the west of the existing parking area and would be slightly elevated above those parks.

That area of the site is down slope and approximately 20m from the adjacent property to the south which is considered sufficiently far that it would not be affected by the earthworks.

The most likely destination for runoff from the earthworks or paving would be the remainder of the downslope area of this site and includes stands of native vegetation. Conditions of consent, should consent be granted, would set out the requirements for erosion and sediment control for those earthworks. Such controls would include the construction of sediment fencing and methods to prevent runoff from cement and it is considered they would ensure there would be no adverse effects from the proposed earthworks on vegetation within the site.



Figure 3: Parking location

The extent of impermeable surfaces on the site at present is beyond the area consented for when the utility building (now temple) was approved because two sheds that were supposed to be demolished have remained. In addition to the impermeable surface created by the structures the applicant wishes to extend the car park, seal the right of way and erect a small toilet block which would further extend the impermeable surfaces on-site.

The increased impermeable area has the potential to increase pressure on the site's stormwater and wastewater capacities. For those reasons Council's EcoWater Department were asked to assess the application. When examining the application, reference was made to Council's Code of Practice for City Infrastructure and Land Development (WCC COP), District Plan, Countryside and Foothills Stormwater Management Code of Practice, and relevant Auckland Regional Council publications.

A167-A171

Given the scale of the activity Robert Detheridge of the Auckland Regional Council was also requested to review the application, as attached at pages A167 to A169. The EcoWater Department, as attached at pages A170 to A171 were satisfied with the application subject to recommended conditions² based on Council's Code of Practice, an assessment of the information provided with the application, and discussion held between Cato Bolam Consultants and Council Officers.

Conditions recommended include design of the stormwater system to satisfaction of EcoWater, collection and reuse of stormwater and provision of a stormwater dispersion pipe and are considered to adequately mitigate any potential effects in terms of water quality and quantity. The Auckland Regional Council were also satisfied with the application subject to recommended conditions³ of consent.

For the aforementioned reasons it is considered any adverse effect on water quality and quantity would be de minimis.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

This development exists and the applicants do not propose any vegetation clearance through this application. Council's EcoWater Department suggested that there are options regarding drainage on the site. An option would be for drainage to be laid through bush areas or riparian margins. If such an option were taken approval would be required and potentially an additional resource consent for works within the dripline of protected vegetation. Any application would be assessed on its merits. However, alternative options do not require further consent and therefore it is considered there would be no adverse effect on vegetation or fauna habitat associated with this application.

8.1.7 Outstanding Landscapes and Outstanding Natural Features

The subject site is not identified in the District Plan as being within an area identified as containing "outstanding landscapes" or "outstanding natural features" within the City. The activity would not therefore adversely affect any identified outstanding landscape or natural features.

8.1.8 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

There would be no adverse effects in relation to the natural character of the coast and margins of lakes rivers and wetlands arising from the proposed activity as no building is proposed and the site is not near the coast, water body or wetland.

² EcoWater Memo dated 22 September 2003 in Appendix

³ ARC memo dated 2 September 2003 in Appendix

8.1.10 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

Visual Amenity

This site is well separated and screened from adjacent properties with the nearest dwelling (58 Rauhuia Crescent) approximately 250m to the southeast of this property and there is extensive vegetation on all the properties adjacent to the developed section of the site. For that reason it is considered that the single storey temple and ablution block would not be visible from off this site and the nature of activity would not lead to audible noise from off-site.

A sign is proposed to be located on the property at 637 Huia Road signifying the existence of the temple up the access. That sign would measure 0.24m² in area and would have directions to the site written in Korean and the address of the site. It is considered that sign would not be obtrusive in this environment given its small size and it would be valuable in providing guidance for visitors to the site.

For the aforementioned reasons it is considered any adverse visual effect from the existence of the temple on this site would be de minimis.

Access Traffic: Volume, Noise and Safety

A172-A176

Council's Transport Assets Department were asked to review the application and raised the following issues, as attached at pages A172 to A176:

- The effect of anticipated traffic volumes visiting and leaving the temple on safety of Huia Road adjacent to the site entry point.
- Appropriate mitigation measures to improve safety on this road at this point.
- Parking capacity on site for expected traffic volumes.
- The anticipated and acceptable traffic volumes on the right of way.
- Acceptable construction and design standards for a right of way of this scale, serving the anticipated volume of traffic (the right of way is presently substandard even for normal residential usage of this scale).

There were two submissions in opposition to the application (submissions 3 and 4) from adjacent properties 625 and 635a Huia Road. They raised the following issues:

- Pedestrian/vehicular safety from the faster speed environment on the right of way once it is upgraded and sealed.
- Noise and other disturbance arising from the volume of vehicles using the site and using the joint right of way serving the temple site and a number of other properties.
- The right of the applicant to upgrade the right of way without permission of all parties to the right of way agreement.
- The adverse effect associated with speed bumps on the right of way.
- Wear and tear on the existing drive associated with greater traffic volume using it than would otherwise be associated with the normal residential use of the site.

Safe Access from the Road to the Site

The right of way is accessed off Huia Road and there is a sharp corner (see Figure 2) immediately to the north of the site (from where the majority of the vehicles arrive at the site). While most visiting the site would be aware of its location there is still the potential for cars to back up, waiting to enter the right of way, potentially creating a hazardous situation for others coming along Huia Road in that direction. If someone were looking for the site it is not immediately obvious (even though the applicants propose signage as it would be small) from the road therefore there is the potential for hesitant driving which also has the potential to create a traffic hazard. For these reasons the applicants were required to commission a traffic engineer to undertake a study of the traffic situation. That report was provided by Traffic Planning Consultants Limited and concluded that the situation could be improved, if the consent holder were to upgrade the right of way and increase visibility at the entrance to the site, to a point that any adverse effect would be no more than minor.

A167-A176

Both the applicant's traffic engineer and the subsequent peer review addressed the issue of the vehicles entering and exiting the Huia Road access. Of most importance was the lack of visibility to the north of the site and the potential danger to vehicles entering and exiting the site especially turning right out of the access. The findings of both those traffic engineers are included in the appendences (Attached at pages A167 to A171 Information Received After the Close of Submissions is attached at pages A172 to A176 Specialist Report). In summary both reports concluded that the activity was acceptable on this part of Huia Road.

It is believed that there are no operational problems in the area and that motorists are not experiencing difficulties negotiating the adjacent bend nor entering/leaving the driveway serving the site.⁴

The Council contracted traffic engineer agreed with the recommendations of the Applicant's Traffic Engineer subject to conditions of consent such as: limiting the number of persons visiting the site to not more than 100, applicants advising clients of the preference for them to turn left from the site, removing a knoll on the road side, trimming and maintaining the bank to the north of the shared driveway to maximise site distance, installing a convex mirror opposite the site.

For the aforementioned reasons it is considered any adverse effect associated with vehicles entering and exiting the site to Huia Road would be no more than minor.

Adverse Effects Associated with the Right of Way

With regards the right of way these issues were threefold: visual, noise and safety.

The owners/occupiers of properties along the right of way would have an expectation that under normal circumstances the majority of traffic on the right of way would be residential. Most users of the right of way have not raised any issues with the Temple application (5 out of the 7) nor have most neighbours. However, the owners of numbers 635a and 625 Huia Road use the right of way, adjoin the right of way, and have made submissions in opposition. The dwelling on the property at 625 Huia Road is located approximately 140m from the access while the property at 635a Huia Road is located approximately 100m from that access.

⁴ page 8 Traffic Planning Consultants Limited (TPC) report dated Jan 2004 attached to application

Visual and Noise

The property at 625 Huia Road is elevated above the access way and is screened from it. An on-site meeting with Trish Koloszar (a submitter in opposition to the application) determined that the issues were not with the visibility of vehicles on the access nor with noise from those vehicles instead the issue was one of safety given the number of vehicles currently using the access and those that could potentially use it if were the facility to reach capacity.

As is shown in the below photograph the property located at 635a Huia Road has a wide line of sight of the right of way access.

The property at 635a Huia Road could be screened from the right of way if planting was undertaken along that boundary. As that planting would be off the application site it could not be required as a condition of this consent but would need to be arranged by both the applicant and the owner of 635a Huia Road, or located within the defined area of the right of way.

Noise was not mentioned as an issue from the submitter at 635a Huia Road either.

Given the separation of the dwellings on numbers 625 and 635a Huia Road from the right of way and the existing screening and potential for screening adverse noise and visual effects associated with the activity are considered to be no more than minor.



Safety

The issue of traffic safety was addressed by both the Applicant's Traffic Engineer and peer reviewed by Council's Traffic Engineer.

The applicant⁵ suggested that a traffic calming mechanism such as a judder bar or speed hump could be installed. Submission number 3 specifically objected to the installation of a speed bump. Neither Traffic Engineer mentioned the need for such calming. They did however state that although the right of way was a sufficient width there was a need for the surface to be upgraded. The metalled surface was not of an acceptable standard. The application also referred to the need for upgrading. Whilst there is no need for a speed bump in safety terms, the merit of such a device could be addressed at the hearing.

⁵ Page 7 of the Application

Council's Traffic Engineer has however raised the need for correct placement of passing bays along the right of way. It would be vital for them to be placed where on coming vehicles had a good visibility of each other to enable time for one vehicle to pull into the passing bay rather than one being required to reverse.

According to the application the busiest time for the temple would be Sundays with services occurring at both 11.00 am and 7.00 pm catering for a maximum congregation of 100 persons. The traffic associated with those services would therefore be the busiest. As the service times have been set⁶ it is considered the traffic movements would be heaviest just before and just after the event. The other fixed events are the morning and evening prayer sessions and they occur on days other than Sunday. Those events only attract a small number of people (on average not exceeding 15). Variable events such as wedding, funeral and birth ceremonies would not occur often (not exceeding 1 per month). Weddings would attract up to 80 persons to the site but the other two events would not exceed 20 persons.

To ensure there is little conflict on the access it seems prudent for the applicant to inform all other users of the access of the times of the fixed events and provide warning of any of the variable functions. Such a warning should be provided 1 week prior to the occurring of the event and should include start and finish times as well as the anticipated number of attendees (not exceeding those applied for). If consent were granted those requirements would be made via conditions of consent.

It is considered that requiring the access to be sealed would not only improve its quality and bring it up to a Council acceptable standard it would enable the installation of passing bays that would improve safety along the access. Furthermore, sealing would ensure that there would be no less dust churned up by vehicles going along the access. In addition, it is considered that sealing the access would decrease the costs of future up grading as the surface would be more permanent.

In the submission from the owners of 625 Huia Road there was an objection to the concreting of the access. That concern is noted and it is understood that part of the reason for that is the countryside amenity that can be attributed to a shingle access. There might be potential for a different treatment (texture, colour etc) to address the submitters concerns related to the naturalness of the surface. In this instance the easement certificate for the right of way (230384.1 EC) indicates that any work on the access including materials used is mutually agreed between the registered parties and that if an agreement is not met the agreement is determined by the majority. For that reason if the majority of the registered parties are in favour of upgrading the access then an objection by one party would not prevent upgrading work from proceeding.

Parking

There would be a maximum of 100 people visiting the site at any one time and part of this proposal is to increase the parking provision on the site to a level (23 spaces) that would comply with Council's Parking and Driveway Guidelines⁷ (20 required). The Applicant stated⁸ that overflow parking could be provided in a grassed area adjacent to the expanded parking area. While the consultants supported the additional parking provision neither the Applicant's Traffic Engineer⁹ nor the peer review Engineer¹⁰ supported parking on the grass given the potential for lack of usability in winter months. Instead both supported the installation of *Gobi blocks* or similar permeable material for that overflow. Those recommendation would be included as conditions of consent and would ensure vehicles visiting the site can be catered for on-site rather than in the access or Huia Road.

⁶ Page 3 of the Application

⁷ page 6 Waitakere City Council: Parking and Driveway Guideline (1997)

⁸ pages 4 and 7 of Application

⁹ page 12 TPC report

¹⁰ page 3 Specialist Report Traffic Engineer

Conclusion

As there is only one entrance to the site improvements to the surface or installation of safety enhancements will not reduce the number of persons using the right of way. Whilst they may reduce the potential for conflict along it through the installation of passing bays or greater carriageway width some potential for conflict will remain. However, it is considered that, provided the consent holder adheres to conditions of consent regarding traffic movements, surface, and safety upgrades, and advance warning to other users of special events and change in service times any adverse traffic effect on the safety, convenience and amenity of the access would be no more than minor.

8.1.11 Heritage

There would be no adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

8.1.7 Summary

The applicants stated¹¹ that one of the reasons for selecting this site for the temple was due to its tranquil and attractive natural setting. With the exception of the traffic movements the existence of the temple is not noticeable as this is a rear site with extensive native vegetation lining its periphery.

The traffic component of the activity was identified as the main adverse effect in both *Requests for Service* received by Council and through the two submissions against the application. The applicant provided a traffic report that was peer reviewed by a Council contracted traffic engineer and recommendations were made to reduce any effect from the traffic. A recommendation to seal the access would not only halt its current degradation but would also provide an improved surface for other users of the access.

It is considered that the actual and potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent. The conditions of consent related to the recommendations of the traffic report and include sealing of the access, installing a mirror opposite the site, removing an earth bund and vegetation to improve visibility of the entrance to the access.

8.2 Any Relevant Provisions of the District Plan 104(1)(b)(iv):

8.2.1 District Plan Objectives, Policies, Rules and Assessment Criteria

The applicants seek to lawfully establish an existing Buddhist temple with associated parking and signage on a property located at 631 Huia Road, Parau.

The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to development in the Waitakere Ranges Human Environment and these have been used as a guide in considering the proposal and are discussed below under the headings of **Visual Amenity**, **Traffic Generation** and **Earthworks and Infrastructure**. The full assessment criteria and relevant objectives and policies are attached at pages Axx to Axx. If a specific Objective or Policy is considered particularly relevant it has been included, in its entirety, prior to the discussion.

¹¹ page 9 Application

Visual Amenity

Objective 10: To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well-being of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- a safe environment;
- adequate levels of on-site privacy;
- healthy air quality.

Policy 10.3: Activities should be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep.

Policy 10.6: Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Villages Environments.

Objective 11: To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

Policy 11.8: Structures, (except within the Working and Community Environments), should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views.

Policy 11.10: Non-residential activities should be designed and managed in a way that:

- maintains the visual amenity values of the Environment they are in;
- maintains the amenity of the site and surrounding area when viewed from the street;
- adequately screens any associated car parking, vehicle access and storage areas from view, from residential sites.

Policy 11.11: Signs should be designed so that they do not intrude visually on to the amenity of the surrounding area or detract from surrounding neighbourhood character, and the safety of vehicles and pedestrians on any adjacent roads and state highways.

Policy 11.12: Activities should be of a scale, and located and managed in a way, that does not increase the number of vehicle trips, including heavy vehicle trips, to a level that adversely affects the amenity values of the surrounding Environment or neighbourhood, taking into account the location of the site in relation to the roading hierarchy and the characteristic levels of quiet found in these areas.

Policy 11.18: Non-residential activities (other than retail activities) may be located within residential areas of the City, provided that the individual and cumulative impacts of such a provision do not adversely affect amenity values and neighbourhood character or fragment residential activities to the point that essential residential character is lost, and the safety of residents is harmed.

Policy 11.30: Non-residential activities in the non-urban areas of the city should be of a type, scale and intensity that will not, on an individual or cumulative basis, lead to adverse effect on the maintenance and enhancement of rural landscape and amenity values. In particular non-residential activities that may be more appropriately located in the urban area and which generate a significant number of trips from the urban area and/or cause other non-residential activities to group around them thereby leading to incremental urban growth, should avoid locating in non-urban areas.

Discussion

This area of Waitakere City has significant visual amenity values. Sites in the area are characterised by large stands of native vegetation and human settlement at low intensities.

This site is well separated and screened from adjacent properties with the nearest dwelling (58 Rauhuia Crescent) approximately 250m from this property (see Figure 1) and there is extensive vegetation on all the properties adjacent to the developed section of the site. The single storey temple and the proposed ablution block would not be visible from off this site and the nature of activity would not lead to adverse noise effects, nor would any perceivable increase in development intensity in the area. The applicant uses some 425m of the joint right of way, the first approximately 280m of which traverses open country before entering a vegetated and more screened section for the final approximately 150m which is well screened from adjoining neighbours. The first 280m is shared by all users of the right of way and greater traffic volumes on the basis of residential usage. Given the degree of separation of existing dwelling from this right of way no significant adverse visual effects are anticipated from the volumes generated by the temple.

A sign is proposed to be located on the property at 637 Huia Road signifying the existence of the temple up the access. That sign would measure 0.24m² in area and would have directions to the site written in Korean and the address of the site. It is considered that sign would not be obtrusive in this environment given its small size and it would be valuable in providing guidance for visitors to the site.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 6a, 6b, 7a-7c, 7e, 9a, 12a and 12c (Waitakere Ranges Environment)** and **3g, 3j and 3l (Coastal Natural Area)** and is consistent with **Objective 10 and 11 and Policies 10.1, 10.3, 10.4, 10.5, 10.6, 11.8, 11.10, 11.11, 11.12, 11.18 and 11.30.**

Traffic Generation

Objective 10: To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well-being of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- a safe environment;
- adequate levels of on-site privacy;
- healthy air quality.

Policy 10.11: Activities should provide for:

- the on-site parking and loading of motor vehicles;
- the location and design of access to car parking and loading areas, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the positioning of that road in the Roding Hierarchy, is not adversely affected.

Policy 10.14: Activities should be of a scale and located and managed in a way that:

- any traffic generated by the activity, including heavy traffic, does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the well-being of residents occupying surrounding sites;
- the safe and efficient functioning of the road network is not adversely affected.

Policy 10.16: Driveways, carriageways and car parking areas should:

- be laid out in a way that provides for the safe circulation of vehicles and pedestrians;
- be of sufficient design quality to ensure the safe passage of motor vehicles, cyclists and pedestrians and discharge of stormwater;
- be designed to avoid edge fretting;
- allow safe, ready access to adjoining sites.

Discussion

It is acknowledged that most non residential activities should be concentrated in urban areas of the City where infrastructure is sufficient to cater for them. There is also a need to protect areas from adverse effects from a large number of vehicle movements. The catchment area of the temple will not be from the immediately surrounding area and for that reason people are required to travel large distances from outside this area to visit the site. However in the wider context the vehicle numbers generated are insignificant and will not adversely effect traffic on Huia Road. Unlike many non residential activities this one needs a more remote setting. The applicants chose this site due to its tranquil environment in keeping with the spiritual values of their beliefs.

There would be a maximum of 100 people visiting the site at any one time and part of this proposal is to increase the parking provision on the site to a level (23 spaces) that would comply with Council's Parking and Driveway Guidelines¹² (20 required). As a condition of consent *Gobi blocks* or similar permeable material will be required for the surfacing of the overflow car park.

The busiest time for the temple is on Sundays with services occurring at both 11.00 am and 7.00 pm catering for a maximum congregation of 100 persons. The traffic associated with those services would therefore be the busiest. The other fixed events are the bible class on Sundays at 2.00 pm and morning and evening prayer sessions that occur on days other than Sunday. Those events only attract a small number of people (not exceeding 15). Variable events such as wedding, funeral and birth ceremonies would not occur often (not exceeding 1 per month). Weddings would attract up to 80 persons to the site but the other two would not exceed 20 persons.

To ensure there is little conflict on the access and inconvenience to other uses is minimised the applicant should inform all other users of the access of the times of the fixed events and provide warning of any of the variable functions. Such a warning should be provided 1 week prior to the occurring of the event and should include start and finish times as well as the anticipated number of attendees (not exceeding those applied for). These requirements will be recommended as conditions of consent.

¹²page 6 Waitakere City Council: Parking and Driveway Guideline (1997)

Huia Road is defined in the District Plan as a District Arterial Road because it generally carries a large volume of traffic and is the principal access to the area. The right of way is accessed off Huia Road and there is a reasonably sharp corner with restricted visibility immediately to the north of the site (see figure 2). There is a potential traffic hazard in this location.

The applicant commissioned Traffic Planning Consultants Limited to report on the situation. The report recommended an upgrade of the right of way to increase visibility at the entrance to the site.

A172-A176

The Council's traffic engineer peer reviewed this report and agreed with the recommendations of the Applicant's Traffic Engineer subject to conditions of consent: limiting the number of persons visiting the site to not more than 100, applicants advising clients of the preference for them to turn left from the site, removing a knoll, trimming and maintaining the bank to the north of the shared driveway to maximise site distance, installing a convex mirror opposite the site, and an upgrade of the right of way surface (attached at pages A172 to A176 for traffic engineering reports and Section 8.1.10 of this report for a more detailed discussion of the issues).

For the aforementioned reasons it is considered the activity meets **Assessment Criteria 7f, 8a, 9b-9d, 12b** and is:

- inconsistent with **Policy 1.2**;
- not inconsistent with **Objectives 1 and 4** or **Policies 1.18 and 4.7**; and
- consistent with **Objective 1, 4, 10 and 11** and **Policies 1.2, 1.18, 4.7, 10.11, 10.14, 10.16, 11.18 and 11.30**.

Earthworks and Infrastructure

Policy 1.7: Activities should be managed in a way that encourages the absorption of rainfall and surface water runoff on-site, avoids the creation or exacerbation of stormwater flooding problems off-site and minimises the runoff of surface water into stream catchments and waterways.

Policy 1.8: Activities, including the management of forestry and woodlots should be carried out in a way that avoids, remedies or mitigates, so minimising, the movement of soils and sediment and other contaminants into receiving waters, and the degradation of water quality in a way that destroys or reduces their:

- ability to support instream vegetation and fauna;
- ability to be used as a food source;
- clarity, quality and flow, and suitability for swimming.

Policy 1.9: Activities should be carried out in a way that avoids modification to the structure and form of watercourses, riparian margins and coastal edges. Particular regard should be had for avoiding the piping and culverting of streams, and the effects of any earthworks.

Policy 1.14: Activities and structures involving the disposal, movement and storage of solid waste and sewage should be designed and managed in a way that avoids, mitigates or remedies any discharge or leakage of contaminants into the City's waterways.

Objective 3: To maintain the life-supporting capacity of the City's land resource.

Policy 3.2: Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.

Policy 3.4: Activities should be carried out in a way that does not exacerbate slipping, subsidence, and/or erosion of soils and any natural hazard event within an identified natural hazard area.

Policy 3.5: Activities and structures involving the disposal, movement and storage of solid waste, and human and animal waste, should be designed and managed in a way that avoids any discharge or leaching of contaminants into the City's soils.

Policy 10.17: Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers.

Policy 11.7: Infrastructure should be designed and managed in a way that:

- will maintain, and not adversely affect the amenity values and neighbourhood character of the surrounding area, including streetscape character;
- placement on sensitive ridgelines in a way that visual intrusion above that ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated;
- does not detract from the significance to tangata whenua of any ridgeline;
- minimises disturbance of natural and physical features;
- does not physically dominate adjoining sites.

Discussion

The applicant proposes approximately 15m³ of cut to increase the size of the parking area. The area of work would be immediately to the west of the existing parking area and would be slightly elevated above those parks.

The most likely destination for runoff from the earthworks or paving would be the remainder of the down slope area of this site and includes stands of native vegetation. Conditions of consent would include the construction of sediment fencing and methods to prevent runoff from cement and it is considered they would ensure there would be no adverse effects from the proposed earthworks.

The increased impermeable area associated with the application has the potential to increase pressure on the site's stormwater and wastewater capacities. For those reasons Council's EcoWater Department and the Auckland Regional Council were asked to assess the application.

EcoWater's recommendations related to conditions of consent on the design of stormwater system to satisfaction of EcoWater, collection and reuse of stormwater and provision of a stormwater dispersion pipe and will avoid, remedy or mitigate any potential effects on water quality and quantity. Auckland Regional Council recommendations have been included as an advice note to consent conditions.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 7d (Waitakere Ranges Environment) and 3a-3f, 3h, 3i, 3k and 3n-3q (Coastal Natural Area)** and is consistent with **Objective 1, 3, 8, 10 and 11** and **Policies 1.5, 1.6, 1.7, 1.8, 1.9, 1.14, 3.2, 3.4, 3.5, 8.4, 8.6, 8.7, 10.17 and 11.11.**

It is considered that the development would not be consistent with all the Objectives and Policies of the District Plan.

8.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (iv))

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Proposed District Plan has been prepared.

It is considered that the proposal is not contrary to the Strategic Objectives and Policies given that the actual temple buildings are small in scale and the nature of the activity is not a loud noise generator. Further, the application is consistent with the principles of sustainable management and any off-site effects would be controlled through conditions of consent related to earthworks and traffic.

8.5 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1))(c))

8.5.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to driveway construction, vehicle movements to and from the site and stormwater control.

8.6 Lapsing of Consent

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, five (5) years after the date of commencement of the consent.

A standard five year period in which to give effect to this consent is not considered appropriate because the majority of the development is existing and only minor building work (ablution block) and earthworks are proposed. For these reasons a consent period of two (2) years is considered more appropriate.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent/inconsistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

10.0 EVALUATION IN ACCORDANCE WITH SECTION 104D OF THE RESOURCE MANAGEMENT ACT 1991

The threshold test in Section 104D of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (104D(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (104D(b)).

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 104D, in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor. The activity is not consistent with all the Objectives and Policies of the District Plan. Jurisdiction to grant consent has been established.

CONCLUSION

The applicant seeks consent to legalise a Buddhist temple as well as its associated traffic movements, parking and wastewater and stormwater disposal on a site at 631 Huia Road, Parau. The site is within the Waitakere Ranges Environment and Coastal Natural Area.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the future operation of the Buddhist temple, including traffic movements, **will not** lead to a decline in the amenity values of the area.

This proposal is contrary to **Policy 1.2 that states:** Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles.

In spite of being contrary to the above policy it is considered that this activity is unique (as noted in section 7.1 of this report as Buddhism places a premium on natural and beautiful settings as being integral to an inner process of beauty upon which the entire Buddhist doctrine is built.

The proposal is considered to be consistent with the other Objectives and Policies of the District Plan which seek to:

- manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource (Objective 1).
- maintain the life-supporting capacity of the City's land resource (Objective 3).
- manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to the maintenance of the atmosphere at a local, national and global level (Objective 4).
- protect and maintain those aspects of the environment that are of significance to tangata whenua (Objective 8).
- maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers (Objective 10).
- achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area (Objective 11).

For the aforementioned reasons it is considered that the proposal meets the threshold test under Section 104D and jurisdiction to grant consent has been reached.

It is considered that the issues raised by the submitters can be adequately addressed through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application merits consent in accordance with Section 104 of the Resource Management Act 1991.

RECOMMENDATIONS

That pursuant to Sections 104, 104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by International Buddhist Meditation Temple of NZ Inc to operate a Buddhist temple at 631 Huia Road, Parau, being Lot 4 DP 61694 for the following reasons:

- (i) The temple buildings are not visible from off-site and noise from events on the grounds and in the temple building would not be audible from off-site.
- (ii) Whilst the right of way is visible from adjoining properties to the south, traffic generated by the activity will be well separated and in one case screened from the dwellings on affected properties. A condition recommending screen planting of the right of way from the other affected dwelling has been imposed.
- (iii) Sufficient parking provision can be made on-site to cater for the maximum number of visitors to the site.
- (iv) Conditions of consent would ensure there would be no erosion or sediment runoff to adjacent sites or waterways.
- (v) Conditions of consent would require an upgrading of the access to a Council acceptable standard and warning of events plus traffic calming would ensure any adverse effects from traffic using the access would be no more than minor.
- (vi) The proposal does not meet Policy 1.2 but does meet the Assessment Criteria and the other Objectives and Policies of the District Plan.

CONSENT SHALL BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL CONDITIONS

These conditions are to be signed off by Consent Services, fees will be charged on an hourly basis.

1. The development shall proceed in accordance with the plans titled "International Buddhist Meditation Temple" prepared by Cato Bolam Consultants Limited and dated July 2003, "International Buddhist Meditation Temple" prepared by Russ Graham and dated July 2003 and "IBM Temple 631 Huia Road" dated 30 March 2004 and all referenced by Council as RMA 20031777 and the information, including further information, submitted with the application.

2. Before the commencement of any works and until completion of exposed earth siteworks, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan. **Note: Please advise** Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer before commencing work.
3. Prior to any concreting, measures are place to prevent cement wash leaving the site or causing damage to any surrounding vegetation during pouring and any wash down.
4. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
5. All roading and traffic related consent conditions shall to the satisfaction of the Manager: Transport Assets, or representative.
6. No signs relating to the temple or other activities on the site shall be erected within Council road reserve. Any signs erected on private property shall be placed in a position as to not obstruct sight distance for vehicles entering or exiting the site, and shall comply with the requirements in the District Plan.
7. The maximum number of people occupying the site, including the house and temple and outside area does not exceed a total of 100, at any one time. The applicant is required to keep a register of the activities on the site including the number attending. This register shall be made available to a Council representative for inspection upon request.
8. There shall be no more than 12 weddings, 12 funerals or 12 birth ceremonies in a calendar year and no more than 2 of each in any one calendar month.
9. The applicant advises clients of the preference to left turn out of the driveway onto Huia Road, rather than right turn, due to limited sight distance. Total reliance should not be placed on the convex mirror as these have limitations. The limitations include difficulty for some drivers to accurately judge the speed and distance of approaching vehicles.
10. Trimming and on going maintenance is required on the bank just north of the shared driveway to maximise the available sight distance without creating erosion problems to the bank.
11. Supply, installation and maintenance of an appropriately sized convex mirror on the power pole on the eastern side of Huia Road, immediately north of the shared driveway. The mirror shall be installed to increase sight distance of southbound vehicles from the shared driveway. The mirror shall be mounted at a height to minimise vandalism from passing pedestrians.
12. Removal of vegetation and lowering of the knoll on the northern side of the driveway immediately to the west of the shared driveway. These works are required to maximise sight distance of exiting vehicles from the shared driveway, for right turning in vehicles. This minimises the potential for vehicles stopping on the road and being hit from behind.

13. The consent holder shall upgrade the unsealed sections of the driveway from Huia Road up to the point where their property access departs from the shared driveway. A site plan is required detailing driveway construction and location of passing bays, to be in accordance with Councils Code of Practice, District Plan and Parking and Driveway Guidelines. The plan shall detail driveway widths and gradients, including car park layouts, and any sections of the driveway that are not to be sealed in an all weather surface. A minimum width of 3.5 m will be required with passing bays located each end and at 50m intervals. Final location of the passing bays shall be approved by the Manager: Transport Assets, or representative. Engineering plans are required to be submitted for approval prior to construction.
14. Within three months of the date of issue of this consent the consent holder shall submit a landscape planting and management plan to provide for screening of the right of way and associated vehicular traffic from the view of numbers 635 and 634a Huia Road and to the satisfaction of the Manager of Resource Consents.
15. Twelve parking spaces in the overflow parking area (as shown by Plan R16019 E2, produced by Cato Bolam) shall be formed using Gobi blocks or similar. The layout and dimensions shall be similar to the proposed parking, and comply with requirements of Councils Parking and Driveway Guidelines.
16. Erection of any proposed sign related to the site shall not be installed on road reserve land. Any such sign shall meet requirements as set out in the District Plan.
17. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of two years from the date of issue of the consent.
18. A consent compliance monitoring fee of \$410.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out. The \$410.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

ECOWATER CONDITIONS

Please contact EcoWater's Development Services Secretary on 8368000 (extn 8248) to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.

19. Before the commencement of any work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work.
20. To prevent increasing downstream flooding and/or increased channel erosion on the Shelly Lynn Stream, stormwater disposal is required to comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice. A Hazard Note is to be registered on the property stating that the stormwater disposal system from any development on the site shall be designed to incorporate the following requirements to the satisfaction of EcoWater:
 - i) Mimic natural runoff patterns.
 - ii) Not to discharge directly to a watercourse, open drain or piped system.

- iii) Rainwater to be reused for toilet, laundry and gardening use to reduce runoff volumes and minimise water importation.
 - iv) A note is to be placed on Councils Hazard register advising that any further plans to increase the impermeable areas over and above the already existing and proposed 2413m³ will require S/W mitigation to the satisfaction of EcoWater Subdivision Engineers.
 - v) The property owner is required to maintain any devices to meet the above requirements.
 - vi) Note: Council's Hazards and Special Features Register will be advised of the above requirements.
19. The stormwater mitigation measures proposed in Cato Bolam Consultants Limited "Water Quality and Quantity Report for IBM dated 5 September 2003 complies with (EW 3) above, subject to the following conditions:
- i) The dwellings are to collect and reuse stormwater runoff for toilet, laundry and garden use.
 - ii) The shared driveways are not to collect and concentrate stormwater runoff but to shed stormwater continually along their length.
 - iii) The proposed erosion protection of the watercourse directly beneath the driveway culvert is approved as detailed on the plan by Cato Bolam Consultants, Job No R/16019, sheet E1.
 - 1. Ensure that the placement of the rocks allows for a suitable fish passage corridor.
 - 2. The minimum diameter of the rocks is to be 400mm as calculated by Cato Bolam Consultants, Job No R/16019
 - iv) The proposed erosion protection of the existing and proposed red chip car parking area for the Temple building is approved as detailed on the plan by Cato Bolam Consultants, Job No R/16019, sheet E2.
 - 1. Construct a 1.0m long by 80mm high (min) asphaltic bund across the existing driveway to divert the S/W towards the proposed 3.0m wide X 0.1m deep grassed swale to the west of the car park.
 - 2. Ensure that the kerb blocks along the northern edge of the driveway serving the Temple are removed at suitable intervals to allow for the S/W flows to be directed towards the grassed area and not over the car parking area.
 - v) Under a minor Plumbing and Drainage consent redirect the existing S/W discharge from the existing dwelling as proposed by Ormiston and Associates Limited.
 - vi) Provide a 5.0m long by 100mm diameter uPVC S/W dispersion pipe for the new toilet block and designed in general accordance with figure 9-1 of Councils Council's Countryside and Foothills Stormwater Management Code of Practice version 2.
 - 1. Provide 10mm diameter holes at 100mm centres along the length of the pipe to ensure even flow along the length of the dispersion pipe.

2. Ensure that the S/W pipe is laid along an even contour to allow for sheet flow runoff.
 3. If required provide additional planting directly below the S/W trench to provide further mitigation.
20. Liase with Council's Customer Field Adviser - Resource Management (extn 8337) regarding any drainage to be laid through bush areas or riparian margins prior to seeking engineering approval for public, or a minor works permit for private, drainage. Advice Note: Drainage may be required to be thrust through bush areas, and resource consent may need to be obtained for drainage to be laid within the drip line of trees protected by the District Plan.

Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 849 0400.
2. To avoid delays in processing of building consents, provide engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent.
3. The Auckland Regional Council assessed the application and although the application is a permitted activity under that Authority the consent holder should refer to the conditions listed by the Auckland Regional Council for that permitted status to remain.

Report prepared by: Hamish Anderson, Senior Planner.

